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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,973	03/31/2004	Frank Dumont	PA030012	5919

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EXAMINER

TRAN, TRANG U

ART UNIT PAPER NUMBER

2622

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,973

Applicant(s)

DUMONT ET AL.

Examiner

Trang U. Tran

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because they should contain description legends. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2622

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipate by Oya (US Patent No. 6,421,098 B1).

In considering claim 1, Oya discloses all the claimed subject matter, note 1) the claimed a receiver for converting an RF signal into a video signal is met by the digital television signal receiver (Fig. 3, col. 3, line 62 to col. 4, line 50), 2) the claimed processing means receiving the video signal and outputting an encoded stream based on the video signal is met by the digital demodulator 16 (Fig. 3, col. 4, lines 9-50), 3) the claimed an indicator of a characteristic of the RF signal is met by the tuner 12 which controls the gain of the IF signal based on RF AGC signal transmitted from the IF AGC amplifier 14 (Fig. 3, col. 3, line 62 to col. 4, line 50), and 4) the claimed control means for adjusting the processing means based in the indicator is met by the IF AGC amplifier 14 (Fig. 3, col. 4, line 9 to col. 6, line 32).

In considering claim 2, the claimed wherein the processing means includes an adjustable filter and wherein the control means includes means for adjusting the adjustable filter based on the indicator is met by the IF AGC amplifier 14 (Fig. 3, col. 4, line 9 to col. 6, line 32).

In considering claim 3, the claimed wherein the receiver outputs the video signal as an analogue signal and wherein a video decoder converts the analogue signal into a digital stream is met by the digital demodulator 16 (Fig. 3, col. 4, lines 9-50).

In considering claim 4, the claimed wherein the video decoder comprises the adjustable filter is met by the digital demodulator 16 (Fig. 3, col. 4, lines 9-50).

In considering claim 6, the claimed wherein the characteristic is the amplitude of the RF signal is met by the IF AGC amplifier 14 (Fig. 3, col. 4, line 9 to col. 6, line 32).

In considering claim 7, the claimed wherein the indicator is a voltage controlling the gain of an amplifier of the receiver is met by the tuner 12 which controls the gain of the IF signal based on RF AGC signal transmitted from the IF AGC amplifier 14 (Fig. 3, col. 3, line 62 to col. 4, line 50).

In considering claim 8, the claimed wherein the receiver comprises a tuner which outputs an IF signal and wherein the indicator is the amplitude of the IF signal is met by the tuner 12 which controls the gain of the IF signal based on RF AGC signal transmitted from the IF AGC amplifier 14 (Fig. 3, col. 3, line 62 to col. 4, line 50).

In considering claim 9, the claimed wherein the control means comprises a micro-processor is met by the microcomputer 24 (Fig. 4, col. 4, line 51 to col. 6, line 32).

In considering claim 10, the claimed wherein the micro-processor has means for receiving a signal representative of the indicator and means for sending control data to adjust the processing means is met by the microcomputer 24 (Fig. 4, col. 4, line 51 to col. 6, line 32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2622

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oya (US Patent No. 6,421,098 B1) in view of Krishnamurthy et al. (US Patent No. 5,508,748).

In considering claim 5, Oya discloses all the limitations of the instant inventions as discussed in claim 1 above, except for providing the claimed wherein the processing means includes an encoder having an adjustable encoding bit-rate and wherein the control means includes means for adjusting the encoding bit-rate based on the indicator. Krishnamurthy et al teach that the offset 10-bits symbols are then applied through frame formatter 15 to D/A converter 16 where they are converted to analog form for transmission by VSB transmitter 17, also, it will be observed that the data rate characterizing each VSB mode increases by one bit per symbol relative to the data rate of the immediately lower VSB mode while its S/N ratio performance is reduced by one-half (col. 3, col. 4, line 7 to col. 5, line 55). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the encoded bit-rate as taught by Krishnamurthy et al into Oya's system in order to provide a simplified level selection system for transmission and reception of a digital information signal having a variable data constellation.

In considering claim 11, the claimed wherein the characteristic is the amplitude of the RF signal is met by the IF AGC amplifier 14 (Fig. 3, col. 4, line 9 to col. 6, line 32 of Oya).

In considering claim 12, the claimed wherein the indicator is a voltage controlling the gain of an amplifier of the receiver is met by the tuner 12 which controls the gain of the IF signal based on RF AGC signal transmitted from the IF AGC amplifier 14 (Fig. 3, col. 3, line 62 to col. 4, line 50 of Oya).

In considering claim 13, the claimed wherein the receiver comprises a tuner which outputs an IF signal and wherein the indicator is the amplitude of the IF signal is met by the tuner 12 which controls the gain of the IF signal based on RF AGC signal transmitted from the IF AGC amplifier 14 (Fig. 3, col. 3, line 62 to col. 4, line 50 of Oya).

In considering claim 14, the claimed wherein the control means comprises a micro-processor is met by the microcomputer 24 (Fig. 4, col. 4, line 51 to col. 6, line 32 of Oya).

In considering claim 15, the claimed wherein the micro-processor has means for receiving a signal representative of the indicator and means for sending control data to adjust the processing means is met by the microcomputer 24 (Fig. 4, col. 4, line 51 to col. 6, line 32 of Oya).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim (US RE 37,326 E) discloses HDTV receiver.

Scarpa et al. (US Patent No. 5,673,293) disclose method and apparatus for demodulating QAM and VSB signals.


Citta et al. (US Patent No. 5,565,932) disclose AGC system with pilot using digital data reference.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 1, 2006



Trang U. Tran
Primary Examiner
Art Unit 2622